

: 06-771-

AO 241 (Rev. 5/85)

PETITION UNDER 28 USC § 2254 FOR WRIT OF  
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

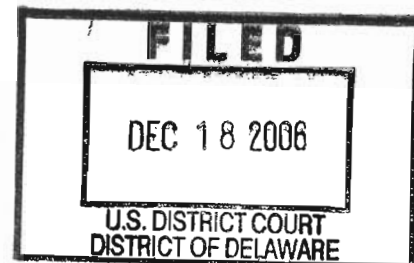
United States District Court		District	DELAWARE
Name	MICHAEL CHAMBERS	Prisoner No.	SBI # 246261
		Case No.	Del. Super. Ct.
Place of Confinement		I.D.# 0311009491	
HOWARD R. YOUNG CORRECTIONAL INSTITUTION			
Name of Petitioner (include name under which convicted)		Name of Respondent (authorized person having custody of petitioner)	
MICHAEL CHAMBERS		v. RAPHEAL WILLIAMS	
The Attorney General of the State of: CARL DANBERG			

## PETITION

1. Name and location of court which entered the judgment of conviction under attack THE SUPERIOR COURT OF THE STATE OF DELAWARE, IN AND FOR NEWCASTLE COUNTY
2. Date of judgment of conviction EXTRADITED MAY 20, 2006 AND CONVICTED SEPTEMBER 26, 2006.
3. Length of sentence N/A
4. Nature of offense involved (all counts) (1); Possession With Intent To Deliver A Narcotic  
IT Controlled Substance (2); Use of A Dwelling For Keeping Controlled  
Substances (3); Possession of A Firearm During The Commission (4);  
Possession of A Non-Narcotic Schedule IV Controlled Substance
5. What was your plea? (Check one)
  - (a) Not guilty ☒
  - (b) Guilty ☐
  - (c) Nolo contendere ☐

If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:

6. If you pleaded not guilty, what kind of trial did you have? (Check one)
  - (a) Jury ☒
  - (b) Judge only ☐
7. Did you testify at the trial?  
Yes ☐ No ☒
8. Did you appeal from the judgment of conviction?  
Yes ☒ No ☐



RD scanned

Receipt # 145730

AO 241 (Rev. 5/85)

9. If you did appeal, answer the following:

- (a) Name of court Superior Court of the State of Delaware, New Castle County
- (b) Result N/A
- (c) Date of result and citation, if known Under Consideration of Trial Judge Cooch
- (d) Grounds raised (1) Violation of Interstate Agreement on Detainers Act, Article III,  
(2) Newly Discovered Evidence of Witness Recantation, Violation Batson v. Kentucky
- (e) If you sought further review of the decision on appeal by a higher state court, please answer the following:

- (1) Name of court \_\_\_\_\_
- (2) Result \_\_\_\_\_
- (3) Date of result and citation, if known \_\_\_\_\_
- (4) Grounds raised \_\_\_\_\_

(f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:

- (1) Name of court \_\_\_\_\_
- (2) Result \_\_\_\_\_
- (3) Date of result and citation, if known \_\_\_\_\_
- (4) Grounds raised \_\_\_\_\_

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes ☒ No ☐

11. If your answer to 10 was "yes," give the following information:

- (a) (1) Name of court Superior Court of the State of Delaware, New Castle County
- (2) Nature of proceeding Motion For Acquittal
- (3) Grounds raised Same as above.

AO 241 (Rev. 5/85)

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☒(5) Result N/A Under Consideration by Trial Judge Cooch(6) Date of result N/A

(b) As to any second petition, application or motion give the same information:

(1) Name of court \_\_\_\_\_

(2) Nature of proceeding \_\_\_\_\_

(3) Grounds raised \_\_\_\_\_

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☐

(5) Result \_\_\_\_\_

(6) Date of result \_\_\_\_\_

(c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes ☐ No ☒(2) Second petition, etc. Yes ☐ No ☒(d) If you did *not* appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

Pursuant to United States Ex Rel. Grano v. Anderson, 318 F. Supp. 263 (D. Del. 1970), aff'd, 446 F.2d 272 (3rd Cir. 1971), Del. S.Ct. Rules 35/61, Del. L. Ann., on its face does not afford an aggrieved Party the right of review from an Order of Extradition.

12. State *concisely* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

AO 241 (Rev. 5/85)

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, *you should raise in this petition all available grounds* (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: Violated terms of Interstate Agreement on Detainers Act, Article III, by the State of Delaware.

Supporting FACTS (state briefly without citing cases or law): Delaware state ~~prisoner~~ brought ~~civil~~ officials knowingly transferred Petitioner from Pennsylvania to Delaware after violating the Terms of the Interstate Agreement on Detainers Act, Article III.

B. Ground two: Newly Discovered Evidence of Witness Recantation

Supporting FACTS (state briefly without citing cases or law): The Prosecution Witness Recanted Statements that ~~the~~ the State of Delaware used to convict Petitioner.

AO 241 (Rev. 5/85)

C. Ground three: State of Delaware excluded Blacks from  
State of Delaware violated Batson v. Kentucky

Supporting FACTS (state *briefly* without citing cases or law): The State of Delaware  
systematically excluded Black from the Jury Pool and  
Jury.

D. Ground four \_\_\_\_\_

Supporting FACTS (state *briefly* without citing cases or law): \_\_\_\_\_

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state *briefly* what grounds were not so presented, and give your reasons for not presenting them: \_\_\_\_\_

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?  
 Yes ☒ No ☐ Motion For Acquittal in the Superior Court of the State of Delaware,  
New Castle County, pending before Trial Judge Cochran.

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing No Preliminary Hearing

(b) At arraignment and plea Pro-se



AO 241 (Rev. 5/85)

- (c) At trial Pro-se
- (d) At sentencing Didn't get sentence heretofore
- (e) On appeal Has Appealed heretofore
- (f) In any post-conviction proceeding Pro-se Motion For Acquittal
- (g) On appeal from any adverse ruling in a post-conviction proceeding Has received none heretofore

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes ☐ No ☐

Has not been sentenced heretofore

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes ☐ No ☐

(a) If so, give name and location of court which imposed sentence to be served in the future: \_\_\_\_\_

(b) Give date and length of the above sentence: \_\_\_\_\_

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes ☐ No ☐

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

\_\_\_\_\_  
Signature of Attorney (if any)

1

I declare under penalty of perjury that the foregoing is true and correct. Executed on

12.3.06

(date)

Michael D Chambers

Signature of Petitioner

Michael Chambers 246-261  
P.O. Box 9561  
Wilmington, DE 19809



WILMINGTON DE 197

15 DEC 2006 PM 1 L

Peter T. Dalke, Clerk  
Office of the Clerk  
United States District Court  
844 N. King Street, Lockbox 18  
Wilmington, Delaware 19801-3572

